

Patrick D. Robbins (SBN 152288)  
Emily V. Griffen (SBN 209162)  
SHEARMAN & STERLING LLP  
Four Embarcadero Center, Suite 3800  
San Francisco, CA 94111-5994  
Telephone: (415) 616-1100  
Facsimile: (415) 616-1199  
Email: probbins@shearman.com  
egriffen@shearman.com

Attorneys for Defendants Symphony Capital  
Partners, L.P., Symphony Capital GP, L.P.,  
Symphony GP, LLC, and Symphony Strategic  
Partners, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DYNAVAX TECHNOLOGIES  
CORPORATION SECURITIES  
LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 3:13-cv-02796-CRB

**STIPULATION AND ORDER SETTING  
BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION TO DISMISS  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT**

Judge: Hon. Charles R. Breyer

1           Lead Plaintiff Khaled Khalafallah (“Lead Plaintiff”) and Defendants Dynavax Technologies  
2 Corporation, Dino Dina, J. Tyler Martin, Mark Kessel, Symphony Capital Partners, L.P., Symphony  
3 Capital GP, L.P., Symphony GP, LLC, and Symphony Strategic Partners, LLC (together, the  
4 “Parties”) hereby stipulate as follows:

5           WHEREAS, Lead Plaintiff and Defendants Dynavax Technologies Corporation, Dino Dina,  
6 J. Tyler Martin and Mark Kessel previously stipulated (and the Court ordered) that Lead Plaintiff  
7 would file an amended complaint by April 7, 2014 and that those Defendants would respond to the  
8 Complaint by May 12, 2014 (Dkt No. 64);

9           WHEREAS, Lead Plaintiff filed an Amended Consolidated Class Action Complaint (the  
10 “Complaint”) on April 7, 2014 (Dkt. No. 65);

11           WHEREAS, the Complaint names several new defendants not previously named in this  
12 action: Symphony Capital Partners, L.P., Symphony Capital GP, L.P., Symphony GP, LLC, and  
13 Symphony Strategic Partners, LLC; and

14           WHEREAS, due to the addition of new defendants and other changes made in the  
15 Complaint, the Defendants have requested, and Lead Plaintiff has agreed, to a lengthier briefing  
16 schedule for Defendants’ anticipated motions to dismiss the Complaint;

17           WHEREAS, Civil Local Rule 7-2(b) provides that memoranda of points and authorities may  
18 not exceed 25 pages, but this Court’s Standing Order provides that any such memoranda may not  
19 exceed 15 pages;

20           WHEREAS, given the length of the Complaint, which spans 203 paragraphs over 74 pages,  
21 the scope of the putative class period, and the legal issues that must be addressed, the 15-page limit  
22 would prevent the Parties from adequately setting forth their arguments in support of and in  
23 opposition to the Defendants’ motions to dismiss; and

24           WHEREAS, counsel for the Parties met and conferred to discuss page limits for the briefing  
25 of the motions to dismiss, and agreed that the page limits for both Defendants’ opening briefs in  
26 support of and Lead Plaintiff’s oppositions to the motions to dismiss should be increased to 25  
27 pages.

28           WHEREFORE, IT IS HEREBY STIPULATED AND AGREED that,

1. Defendants shall have until June 6, 2014 to file their motion(s) to dismiss the Complaint;

2. Lead Plaintiff shall have until August 8, 2014 to file his opposition(s) to the motions to dismiss the Complaint;

3. Defendants shall have until September 12, 2014 to file their reply brief(s) in support of their motions to dismiss the Complaint;

4. The Parties will meet and confer regarding a mutually agreeable hearing date for the motions to dismiss;

5. Defendants' opening briefs in support of their motions to dismiss shall not exceed 25 pages in length; and

6. Lead Plaintiff's oppositions to Defendants' motions to dismiss shall not exceed 25 pages in length.

Dated: May 1, 2014

SHEARMAN & STERLING LLP

By: /s/ Emily V. Griffen  
Emily V. Griffen

Attorneys for Defendants Symphony Capital Partners,  
L.P., Symphony Capital GP, L.P., Symphony GP, LLC,  
and Symphony Strategic Partners, LLC

COOLEY LLP

By: /s/ Jeffrey M. Kaban  
Jeffrey M. Kaban

Attorneys for Defendants Dynavax Technologies  
Corporation, Dino Dina, J. Tyler Martin and Mark  
Kessel

FARUQI & FARUQI, LLP

By: /s/ Richard W. Gonnello  
Richard W. Gonnello

Attorneys for Lead Plaintiff Khaled Khalafallah

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each signatory.

Dated: May 1, 2014

SHEARMAN & STERLING LLP

By: /s/ Emily V. Griffen  
Emily V. Griffen

Attorneys for Defendants Symphony Capital Partners,  
L.P., Symphony Capital GP, L.P., Symphony GP, LLC,  
and Symphony Strategic Partners, LLC

\* \* \*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 2, 2014

